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97TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 97-818

COMPLETED

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AUTHORIZING THE TWENTY-NINE PALMS BAND OF LUISENO MISSION INDIANS TO LEASE FOR 99 YEARS CERTAIN LANDS HELD IN TRUST FOR SUCH BAND

SEPTEMBER 16, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 6122]

[Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 6122) to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following in lieu thereof:

That section 1 of the Act of August 9, 1955 (69 Stat. 539) as amended (25 U.S.C. 415) is further amended by inserting ", and lands held in trust for the Twenty-nine Palms Band of Mission Indians," immediately after "Chelan County, Washington" in the second sentence.

PURPOSE

The purpose of H.R. 6122, introduced by Mr. Lewis, is to authorize the Twenty-nine Palms Band of Mission Indians to enter into ninety-nine year leases on certain lands held in trust for them by the United States.

BACKGROUND

The enactment of H.R. 6122 would further amend the Act of August 9, 1955 (69 Stat. 539; 25 U.S.C. 415) to authorize the Twenty-nine Palms Band of Mission Indians to lease for ninety-nine years certain lands held in trust for them in Riverside and San Bernardino Counties in California.

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The Band, consisting of 13 members, is governed by an "Articles of Association" which was approved on May 14, 1972 by the Acting Deputy Commissioner. Their landholdings consists of two tracts of land totaling some 402 acres with a 240-acre tract in Riverside County and a 1620 acre tract in San Bernardino County.

These lands held in trust for the Band are unoccupied by any of its members and are not utilized for any purpose. However, the enactment of this legislation would enable the Band to lease part of its landholdings which would provide revenue to develop other lands.

The Band had originally considered seeking authority to sell approximately 70 acres of its land to the Valley Sanitary District of Indio, California. The existing Valley Sanitary District treatment facility which is located adjacent to the subject lands must expand to meet the demands for waste disposal of the city of Indio. However, the Band has reconsidered and, rather than sell its land base, has decided it would prefer to lease the lands for an the amount the Band would receive if it sold it and still retain a reversionary interest in the land.

The Band has existing authority to lease its land for a 25-year period with an additional 25-year renewal; however, considering the investments involved here, this lease term would not be long enough for the type of sanitary facility contemplated. The enactment of H.R. 6122 would permit the Valley Sanitary District and the Band to conclude a lease if they choose or allow the Band to enter into a contractual agreement with the Sanitary District.

Analysis

The bill amends the first section of the Act of August 9, 1955, (69 Stat. 539; 25 U.S.C. 415) to authorize the Twenty-nine Palms Band of Luiseno Mission Indians of California, to lease, subject to the approval of the Secretary of the Interior, lands in San Bernardino and Riverside County for a period of 99 years.

Committee Amendment

The Committee adopted an amendment in the nature of a substitute recommended by the Department of the Interior. The amendment makes no substantive change, but merely rewrites the language from a technical standpoint.

Cost and Budget Act Compliance

Enactment of H.R. 6122 will represent no cost to the United States. The cost analysis prepared by the Congressional Budget Office follows:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., September 10, 1982.

Hon. Morris K. Udall,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 6122, a bill to authorize the Twenty-nine Palms Band of Mission

Indians to lease for ninety-nine years certain lands held in trust for such Band, as ordered reported by the House Committee on Interior and Insular Affairs, August 10, 1982.

Based on this review, it is expected that no additional cost to the government would be incurred as a result of the enactment of this legislation. The bill authorizes the Twenty-nine Palms Band to elect to enter leases for a term not to exceed ninety-nine years, thereby exempting the Board from the existing twenty-five year limit on the term of such leases.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

INFLATIONARY IMPACT STATEMENT

Enactment of H.R. 6122 will have no inflationary impact.

OVERSIGHT STATEMENT

No specific oversight activities were undertaken by the Committee and no recommendations were submitted to the Committee pursuant to rulo X, clause 2(b)2.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by voice vote, recommends approval of the bill, as amended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

ACT OF AUGUST 9, 1955 (69 STAT. 539), AS AMENDED

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SECTION 1. (a) Any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, education, recreational, residential, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, and leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Swimmomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Burns Paiute Reservation, the

Coeur d'Alene Indian Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, Yavapai-Prescott Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboba Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, and the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington, *and lands held in trust for the Twenty-nine Palms Band of Mission Indians*, which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, education, recreational, residential or business purposes (except leases the initial term of which extends for more than seventy-four years) with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all eases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval or any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

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